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U.S. Army-Naval Communication Intelligence Coordinating Committee.

Special Report No. 1

The Need for New Legislation Against Unauthorized Disclosures of Communication Intelligence Activities

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Jointly Submitted by
Representatives from
the Army and the Navy

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SUMMARY

Chapter I outlines the great need for continued security precautions in handling the special information derived from communication intelligence activities. In Chapter II the story of the modern development of cryptography, cryptanalysis and traffic analysis is told to demonstrate the increasing complexity of codes and ciphers during the past generation, and the consequent difficulties of deriving intelligence therefrom. This fact has necessitated the influx of a large number of persons into U.S. Army and Naval Communication Intelligence organizations, since the carefully selected few of pre-war times could not cope with the tremendously increased traffic.

Rapid expansion has made the problem of continued security even more pressing now than ever before. A detailed story of the publicity leaks concerning the success of communication intelligence in various nations has been outlined to cover the post-war period from 1920 to 1930, the Yardley era from 1931 up to the outbreak of the American-Japanese war, and finally, the present period in which the

most dangerous publicity leaks have occurred. Numerous instances have been cited to indicate the great need for improved legislation to protect the security of communication intelligence activities in the United States.

Chapter III discusses the effects of publicity leaks on United States' cryptanalysis and traffic analysis, with particular reference to Japanese security precautions after Yardley's disclosures in 1931, and with special emphasis on the developments resulting from the unfortunate publicity concerning the Battle of Midway.

Present legislation pertaining to security violations is analyzed in Chapter IV, and certain deficiencies are discussed. Chapter V suggests the inclusion of certain provisions in the proposed new legislation, and Chapter VI proposes that joint legislative action be inaugurated simultaneously by the English-speaking powers, if not all the United Nations, to protect the valuable sources of military and naval intelligence developed in this war.

A proposal for the establishment of a Joint

Military Intelligence Reviewing Commission to review all publications discussing sources of military intelligence is made in Chapter VII. The creation of a special reviewing committee, comprising a few outstanding individuals of different political beliefs, some representatives from the press, and military and naval officers, is the only certain means of preventing disclosures which will reveal the source of operational intelligence.

Chapter VIII discusses certain considerations in procuring new legislation, and points out that both interventionists and non-interventionists in Congress will support a well-considered plan for protecting an activity that has served as a scouting arm for our fighting forces in providing more accurate information concerning the enemy's intentions at less cost than any other form of intelligence.

I

Purpose of the Report

This report has been prepared for the information of those in high command who have been charged with the direction and coordination of the Communication Intelligence organizations of the U.S. Army and Navy. The very nature of the work involved in the operations of these organizations has made the preservation of secrecy an important consideration. Unauthorized disclosures of their activities have jeopardized, on several occasions, the results of many years of arduous research and have endangered the safety of our armed forces, who at times have been dependent in great part on communication intelligence for information concerning future operations.

In view of the ever present danger of a disclosure in post-war times when military censorship will have ceased and most of our personnel will have been demobilized, it was deemed advisable to acquaint higher authorities who need to know with details of the serious security problem to be solved. For this reason, an historical resume of some of the famous publicity leaks of the past generation has been included in this report to demonstrate the need

for greater security precautions at the end of this war. An analysis of current legislation, pointing out some of the deficiencies therein and suggesting some provisions which may be acceptable to higher authorities for incorporation in a new law, has also been provided as a basis for further action by those responsible for the procurement of new legislation.

It is recognized that a satisfactory solution of this problem will probably encroach upon the freedom of the press and freedom of speech. The issues at stake are so important, however, that some action must be taken in the interest of national safety. The value of communication intelligence will not disappear with the cessation of war, for a review of the important information supplied to governmental authorities from this source prior to the war makes it obvious that the U.S. Army and Naval Communication Intelligence organizations must continue to be a valuable asset to the prosecution of the national policy in the years to come.

While the needs of the Army and the Navy will not be so pressing in times of peace, the requirements of the diplomatic and economic fields must be met. One important factor, which has further emphasized the

need for adequate protection from publicity, is that cryptanalysis has advanced beyond the pen and pencil stage, and in order to pursue it successfully in the future, complicated, expensive machinery and considerable numbers of highly trained personnel will be necessary. For these reasons every possible precaution must be taken to ensure the preservation of this valuable aid to our national safety.

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BACKGROUND

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II

Historical Background Of Unauthorized Publicity Concerning Communication Intelligence Success

1. Modern Development of Cryptography, Cryptanalysis, and Traffic Analysis

The increased importance of radio in modern communications as a channel for the conveyance of important military, diplomatic, and economic information has become apparent with the growing tempo of modern life. No other medium can rival the speed of radio in instantaneously relaying important decisions of commanders to their swiftly moving subordinates, scattered over widely separated areas. This fact explains the tremendous growth of communication intelligence organizations in every large nation since the last World War. The discovery of an enemy's or potential enemy's secret plans through radio interception has meant tremendous savings in men and money for many nations in recent wars.

Both cryptography and cryptanalysis have reached new heights in the last generation. The sudden development of communication intelligence emphasized the importance of cryptanalysis, for not till

the advent of radio could experts so easily obtain the mass of material necessary for proper research. Concomitantly with the progress of cryptanalysis, cryptography made a similarly noticeable advance, since the fact that radio messages were available to all who desired to intercept them necessitated the creation of extremely complex codes and ciphers. Thus, by a process of action and counteraction, both cryptography and cryptanalysis have made steady advances with first one and then the other in the lead. The ambition of every nation has been to develop unbreakable ciphers for its own use and to solve every cipher in use by the enemy. Strangely enough, the decryption of enemy ciphers is probably the only certain method of a country's ascertaining the security of its own cipher system. Hence, the significance of modern cryptanalysis is twofold:

(a) It has provided more accurate intelligence concerning the enemy's intentions at less cost in men and money than any other form of intelligence;

(b) It has served as a check on the security of a nation's own ciphers and codes.

It must be remembered, however, that the U.S. Army and Naval Communication Intelligence organizations

were created not to achieve success in the academic field of cryptanalysis, but to provide intelligence for operational authorities by means which may involve decipherment only incidentally. Traffic analysis, which does not possess the antiquity of cryptanalysis for it is as new as radio itself, is also an important phase of communication intelligence activity.

2. Expansion of United States Communication Intelligence Organizations

The tremendously increased flow of enemy operational traffic, which began with the outbreak of this

war, necessitated a great expansion of personnel in both the U.S. Army and Naval Communication Intelligence organizations. Consequently, many persons were introduced for the first time to activities which had long been deliberately hidden by strictest security precautions. In addition to those who have been members of the Army and Naval Communication Intelligence organizations, many other Army and Naval personnel have become aware of the existence and operations of these organizations through the handling of intelligence which necessarily had to be disseminated to certain operational commanders.

War correspondents and other publicists also have had an opportunity to come in contact with some of this intelligence, e.g., Stanley Johnston who divulged the story behind the Battle of Midway, and Fletcher Pratt who has also written a book on cryptanalysis.[1] Furthermore, some members of the F.C.C., F.B.I., and State Department, and certain other civilian authorities have been cognizant of the success of American cryptanalytical agencies. It is estimated

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1 - Fletcher Pratt, Secret and Urgent: The Story of Codes and Ciphers, Blue Ribbon Book, Garden City, N.Y., 1939; "The Mysteries of Midway", and "The Knockout at Midway", Bureau of Naval Personnel Information Bulletin, Nov.-Dec., 1943, reprinted from National Geographic Magazine, 1943.

that at least 50,000 members of the Army and Navy have handled cryptographic material, and several thousand Army and Naval personnel, exclusive of intercept personnel, have been associated with cryptanalytical activities. The number of those who have handled the resulting intelligence is not as large as those who have been engaged in processing the material, but even the disclosure of certain techniques would be as damaging as the revelation of actual intelligence. It is apparent, therefore, that a large number of individuals possess knowledge which would be extremely damaging to the national interest, if made available to unauthorized persons.

It should be pointed out that it is not possible to hide the existence of large cryptanalytical organizations from experienced espionage agents. Furthermore, the enemy takes for granted, as we do, that every radio message transmitted in war time is intercepted by hostile forces, who intend to decipher and read the contents, if possible. But knowledge of the success achieved by American cryptanalysts can and must be limited to only higher authorities who need to know. This is the objective which must be

attained in the future lest the source of much unique intelligence be destroyed. Some examples of the damaging effects of publicity on communication intelligence activities will be discussed in the following pages.

3. Publicity Leaks Concerning Communication Intelligence

Publicity in America concerning the success of Communication Intelligence in various nations seems to have occurred in three major spurts:-

A. The Post War Disclosures - which ran from 1920 - 1930 approximately.

B. The Yardley Era - from the publishing of "The American Black Chamber" in 1931, up to the outbreak of the American-Japanese war.

C. The American-Japanese War - which occasioned the most dangerous disclosures of all.

A brief study of each of these periods will be of value in understanding the need for strict security precautions which must be taken in modern communication intelligence work.

A. Post World War I Disclosures

The great interest shown in communication intelligence by most modern nations probably owes much to the revelations of such activity which were made public during the years following World War I. The information contained in this report has been gathered in the main from publications available in most public libraries, and has been set forth here to demonstrate the necessity of preparing to stop the anticipated avalanche of post war publicity which will jeopardize the activities of American intelligence agencies unless appropriate action is taken.

1. The Allies

(a) France

From the writings of various French experts it is known that the French entered the war in 1914, thoroughly familiar with German military codes and ciphers and with long experience in reading German and Italian diplomatic messages.[2] Excellent

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2 - Yves Gylden, The Contribution of the Cryptographic Bureaus in the World War, (Translation of Chiffermyaernas Insatser I Varldskriget Till Lands), United States Government Printing Office, Washington, 1935.

planning in times of peace, splendid cooperation between military and diplomatic leaders in regard to cryptanalytical assignments, and continuous research in developing the most efficient procedures resulted in great success for the French in anticipating and frustrating German attacks.

(b) England

The British Army and Naval Intelligence Departments had well-organized cryptanalytical bureaus during World War I, and the continued stress placed by the British on the speedy collection of material, careful examination and selection, and a skillful collation of all available sources of information has stimulated other nations to follow their example.

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2 (Continued) - Henri Cartier, "Le Service d'ecoute pendant la Guerre", Radioelectricite, No. 16, 1923, p. 454; "Le Secret en Radiotelegraphie", Radioelectricite, No. 97, 1925, p. 445.

Marcel Givierge, "Questions de Chiffre", Revue Militaire Francoise, Paris, 1924, p. 409. Translated in U.S.A. Signal Corps Bulletin, March and May, 1926.

The Living Age, May 2, 1925, p. 233. Mentions the incident before the World War when M. Caillaux, a French leader, disclosed, through a careless reference, the success of French cryptanalysts to the Germans. An important source of information was lost for a time because the Germans changed their code.

Despite the existence of the British Official Secrets Act of 1911, as amended in 1920, several books published in England have given rather detailed accounts of British communication intelligence activities. Captain Ferdinand Tuohy discussed British methods of direction finding and code work in a book published in 1921. Even the rudiments of Tina and R.F.P. were explained in this work.[3]

In December 1927, the "best kept secret" of the Great War was disclosed by Sir Alfred Ewing, Principal of the Edinburgh University, in a lecture entitled "Some Special War Work" which he delivered to the Edinburgh Philosophical Institute.[4] He told of the activities carried on during World War I in the famous Room 40 O.B. of the British Admiralty, where German dispatches were deciphered.

Four years later, in 1931, Sir Alfred Ewing added further details in an interview which was published in America.[5] As many as 2,000 messages a day

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3 - Ferdinand Tuohy, The Secret Corps, London, John Murray, 1920, pp. 132-171.
4 - Daily Express, Edinburgh, Dec. 14, 1937.
5 - Article by Hayden Church from London, N.Y. Times Magazine, Nov. 8, 1931.

were deciphered in Room 40 with never more than twenty-four hours delay. One of the messages, disclosing that the Germans planned to raid the East Coast of England, led to the Battle of Jutland when Admiral Jellicoe, forewarned, moved his fleet to meet the German warships. Another publicist confirmed Ewing's statement as to the Battle of Jutland by pointing out that the Admiralty knew of the plans of the German fleet at least twelve hours before it moved from its base. Admiral Jellicoe put to sea at 5:40 P.M. on May 30, 1916, and the Germans did not weigh anchor until 3:00 A.M., May 31, 1916.[6]

According to Ewing, Room 40 dealt with diplomatic ciphers as well as naval dispatches, and, therefore, was able to give warning of the Easter rebellion in Ireland, as well as information of German activity in Persia. Probably the most important exploit of Room 40 O.B. was the decipherment of a message sent on January 16, 1917, by Dr. Alfred Zimmerman, Undersecretary at the German Foreign Office, to von Eckhardt, German Minister to Mexico. This message revealed a German proposal for an alliance with Mexico

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6 - Hector Bywater and H. C. Ferraby, Strange Intelligence: Memoirs of Naval Secret Service, Richard R. Smith, N.Y., 1931, p. 103.

on the grounds that after the war Mexico would receive the territory of New Mexico and Arizona which she had lost in 1848. As Ewing remarked, the publication of this message was decisive in converting American opinion to the necessity of war.

The complete details of the interception and decipherment of this message may be found in both English and American publications. The memoirs of a former German Naval Intelligence officer, von Rintelen, were published in London in 1933,[7] and official correspondence dealing with the Zimmerman affair were disclosed in the memoirs of the former American Ambassador to England, Walter H. Page, published in America in 1925.[8]

Von Rintelen was captured during the war by the British on his way back to Germany from America, and he then learned from Admiral William Reginald Hall, the Chief of British Naval Intelligence, that the British had known Germany's five ways of sending

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7 - Captain von Rintelen, The Dark Invader: Wartime Reminiscences of a German Naval Intelligence Officer, Lovat Dickson, Ltd., 38 Bedford St., London, 1933.

8 - Burton J. Hendrick, The Life and Letters of Walter H. Page, 3 vols., Doubleday, Page and Co., 1925, Vol. III, pp. 331-364.

information to America or Mexico, and had intercepted and deciphered messages sent by all five routes. Furthermore, Admiral Hall disclosed the radio deception methods used in eliminating Admiral Spee's squadron at Falklands on December 8, 1914. A newspaper article by Hector Bywater in 1934 cited testimony from two British intelligence officers in confirmation of von Rintelen's story concerning the secret background of the Battle of Falklands.[9]

Mr. Bywater, who was one of the world's best informed writers on naval affairs, published many special articles and books on the English Navy, several of which discussed British direction finding and cryptanalysis, and especially the work of Room 40 O.B.[10]

Captain R. Landau of the British Secret Service wrote in 1934 of his World War activities in setting up information posts in Holland to obtain data on train movements in Belgium and occupied France. Indirectly, he was of great assistance to

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9 - Daily Telegraph, London, Sept. 4,6, 1934.
10 - Bywater and Ferraby, Strange Intelligence; Hector C. Bywater, Their Secret Purposes, London Constable and Co., 1932, Ch.XIII.

Room 40 O.B., because his organization obtained a copy of every ciphered telegram sent out of Holland by the German Legation, the Consulates, and other German services.[11] Furthermore, even before the war broke out, according to Lord Fisher's memoirs, the British had a bureau established in Switzerland to collect foreign code telegrams.[12]

One of the sources concerning British communication intelligence activities in World War I was the book written in 1935 by Hugh Cleland Hoy, who became Secretary to Admiral (then Captain) W. R. Hall just after the latter had become Director of Naval Intelligence in October 1914.[13] He told of the origin of Room 40 O.B. at the Admiralty, described some of its exploits, and then, ironically enough, stressed its great emphasis on secrecy as follows:

> "Of it, [Room 40 O.B.], too, the late Earl Balfour said:
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> 'To Room 40, the country owes an immense debt of gratitude - a debt which at the time, at least, could never be paid.

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11 - Henry Landau, All's Fair: The Story of the British Secret Service Behind the German Lines, G. P. Putnam's Sons, N.Y., 1934; Secrets of the White Lady, G. P. Putnam's Sons, N.Y., 1935.

12 - Gyldén, op. cit., p. 20.

13 - Hugh Cleland Hoy, 40 O.B., or How the War was Won, Hutchinson and Co., London, 1935.

Secrecy was of the very essence of the work, and never was secrecy more successfully observed.'" (14)

One of the most interesting accounts of Britain's cryptanalytical activities in the last World War can be found in the testimony brought forth before the Mixed Claims Commission of United States and Germany in regard to the disasters at Black Tom, N.J. on July 29-30, 1916 and Kingsland, N.J. on January 11, 1917.[15] Admiral Hall of British Naval Intelligence supplied the texts of many intercepted messages to demonstrate the knowledge of the German Government in regard to the activities of its sabotage experts.[16]

Thus, much of England's secret war activities were disclosed not by espionage agents but by the books and newspaper articles of its own nationals, with some revelations by outside sources.

(c) Russia

The Russians entered the World War very badly prepared for military cryptography and cryptanalytical work, though long experience in success-

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14 - Ibid., pp. 24, 25.

15 - Mixed Claims Commission, United States and Germany: Opinions and Decisions in the Sabotage Claims Issued Down June 15, 1939 and October 31, 1939, [illegible], Superintendent of Documents, Washington, D.C.

16 - Ibid., pp. 22-36; pp. 300-302.

fully decoding Turkish, British, Australian, and Swedish diplomatic codes and police work against the Nihilists had necessitated cryptanalytical research. Despite all this background, it seems from the slight evidence available that very little military cryptanalysis was done by the Russians in World War I, though they did solve some of the German codes. On the other hand, lack of security precautions helped the Germans to decipher Russian codes. One reason for believing that the Russians did not achieve much cryptanalytical success arises from the fact that the Russians were unaware that the Germans were reading their codes.[17]

(d) Italy

Before the first World War, Italy had done little to develop its cryptanalytical bureaus, and there is no published evidence to prove that she was any better during the war. This situation is difficult to understand because of the traditional interest of Italian scholars in cryptograms and cryptanalysis. More intensive research in Italian libraries than has been possible in drawing up this report would probably reveal further details of Italy's crypto-

17 - Gyldén, op. cit., p. 69.

graphic and cryptanalytical efforts in World War I.

2. Central Powers

(a) Germany

The German Army, Navy, and Ministry of Foreign Affairs had cryptanalytical bureaus before World War I, but inadequate and ill-trained personnel had made competent research impracticable. Compared with the French, they were much inferior in that they lacked a centralized organization, were without expert leadership, and because of insufficient research were not prepared to cope with the problems involved in deciphering French codes. Furthermore, errors and omissions discovered in German communications permitted the French to solve German messages very easily.

In the late years of the war, after a difficult period of self training, the Germans became much more adept in cryptanalysis. A British writer stated that the Germans were overhearing British signals and wireless conversation after 1916, and were thus always prepared for British attacks during the last years of the war.[18]

After Sir Alfred Ewing had disclosed the work of Room 40 during the World War, an announcement re-

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18 - Ferdinand Tuohy, op. cit., p. 213.

vealing the corresponding German department appeared in the Vossiche Zeitung. The article described the deciphering of intercepted British signals in a mysterious wireless station, surrounded by barbed wire on a lonely moor near Neumenster. This story was confirmed by a former German wireless officer, Lt. Comdr. N. Kraschutzki,[19] who belonged to the Neumenster staff. It is believed, however, that this Bureau was not successful in deciphering British Naval dispatches until some time in 1916,[20] though it is known that at the outbreak of the war, Admiral Spee knew because of intercepted British messages that he was being shadowed by British cruisers.[21]

On the Russian front, the Germans were much more successful owing to Russian communication deficiencies. The Germans knew as much, if not more, than some of the Russian commanders about Moscow's plans for the Battle of Tannenburg. Germany had still better success with diplomatic secrets for they were able to read the messages of Major Langhorne, the American Military Attaché in Berlin. It will be

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19.- London Times, Jan. 3, 1928.
20 - Gylden, op. cit., p. 43.
21 - Von Rintelen, op. cit., p. 34.

remembered that the Germans had arranged to send these dispatches for Major Langhorne who wished to keep them from falling into the hands of the British. In the process, the Germans were able to rewrite the American Attache's dispatches with a pro-German bias. It may be presumed also that their experts were able to read the messages of other nations.[22]

(b) Austria

According to General Ronge, Chief of the Austrian Military Intelligence Service during World War I, cryptography had been much practiced in Austria, but cryptanalysis was entirely unknown until 1908, when he began to work on intercepted Italian Naval dispatches. Messages of other countries had been deciphered for years, but solutions had been obtained by acquisition of the codes through espionage rather than by cryptanalysis. However, in 1918 the Evidenzbureau of the General Staff was re-organized, and efforts were made to stimulate cryptanalytical activities.

Despite its inadequacy at the beginning of the war, the Evidenzbureau gave many Austrian officers an opportunity to analyze Russian systems and, as a result

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22 - Ibid., p. 58.

of their specialized training, they were able to solve Russian ciphers much more quickly than the Germans. As the war progressed, the Austrian bureau expanded, and a French source states that in February, 1916, at least 26 cryptanalysts were employed in the Vienna office alone.[23]

Austrian military commanders were well aware of the value of the information supplied them by this bureau, and Von Glaise-Horstenau, Chief of the War Archives in Vienna, Privy Councilor, and former officer of the Austrian General Staff, stated that if Austria had not been able to read Russian radiograms, it would most probably have lost the war as early as in the winter of 1914-1915.

3. United States

Very little was known by the American public about its cryptanalytical agencies until the time of Yardley's disclosures of 1931. Lieutenant Colonel Walter Sweeney, U.S. Army, reported in a book written in 1924 that during World War I the code and cipher section of the Intelligence Service at American GHQ had demonstrated that any code or cipher could be

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23 - Gylden, on. cit., p. 22.

read, if sufficient time were granted.[24] A newspaper article in 1930 discussed the activities of G-2 and Room 40 O.B. in intercepting and decoding German radio messages.[25] However, public attention was not focused on American cryptanalytical activity until Herbert O. Yardley,[26] formerly of the U.S. Army, broke the seal of self-imposed silence which governs the activities of most cryptanalysts and published his famous "The American Black Chamber".[27]

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24 - Lt. Col. Walter C. Sweeney, Military Intelligence: A New Weapon in War, Fred A. Stokes, N.Y., 1924.

25 - Sunday STAR, Washington, D.C., Apr. 13, 1930, Magazine Section, p. 5

26 - Major Yardley had resigned his commission in the U.S. Army Reserve before submitting the articles for publication.

27 - Herbert O. Yardley, "The American Black Chamber", Bobbs-Merrill Company, Indianapolis, 1931.

B. The Yardley Era

1. Yardley's Revelations

Early in 1931, the Saturday Evening Post, a weekly magazine of tremendous national circulation, published a series of articles by Yardley which frankly disclosed the existence of cryptanalytical organizations in various countries, and discussed their methods, successes and failures. Analysis of the different types of ciphers and codes in use by these nations, with unflattering criticism directed at the U.S. Department of State, was one of the principal themes.[28]

The articles were then published in book form, entitled "The American Black Chamber". Yardley stated that his organization, which had been established in 1917 and had worked in secret until 1929, had solved over 45,000 cryptograms during that period. At one time or another, it had broken the codes of Argentina, Brazil, Chile, China, Costa Rica, Cuba, America, France,

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28 - Herbert O. Yardley, "Secret Inks" Saturday Evening Post, Philadelphia, Vol. 203, No. 40, Apr. 4, 1931;
"Codes", ibid., Vol. 203, No. 42, Apr. 18, 1931;
"Ciphers", ibid., Vol. 203, No. 45, May 9, 1931;
"Cryptograms and Their Solution", ibid., Vol. 215, No. 73, Nov. 21, 1941.

Germany, Japan, Liberia, Mexico, Panama, Peru, Russia, San Salvador, Santo Domingo, the Soviet Union, and Spain. Furthermore, he revealed that all Japanese code messages received or sent by the Japanese representatives during the Washington Naval Conference had been read by American cryptanalysts.

The book created a sensation in both America and in Japan. In addition to a Japanese translation in book form which apparently was subsidized by Japanese militarists, two Japanese newspapers ran a serial translation, and headlines called attention to American treachery at the Washington Conference.[29] In America, the book received much attention in the press, and many book reviews disseminated his disclosures even more widely; thus, hundreds of persons who had never read Yardley's story were made aware of its revelations.

Yardley wrote two other articles late in 1931. One dealt with the cryptanalytical activities of the British,[30] and the other attempted to explain his

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29 - K.K. Kawakami, Baltimore Sun, Aug. 18, 1931.
30 - Herbert O. Yardley, "Doublecrossing America", Liberty Magazine, N.Y., Oct. 10, 1931, pp. 38-42.

motives for revealing government secrets.[31] The first article discussed British methods in obtaining every dispatch entering or leaving England, and the second, severely criticizing the State Department's inadequate ciphers, explained that his book had been intended to expose America's deficiencies in the field of cryptography with a view to stimulating the development of new codes for the preservation of national secrets.

Hollywood eventually made a picture called "Rendezvous" based on a novel by Yardley,[31A] and as late as March 1942, the Navy Department had to request that the "American Black Chamber" not be republished.

2. Pre-War Publicity

In 1934 and again in 1937, newspaper stories discussed the activities of several American cryptanalysts whose existence had been disclosed when called upon to testify in court as government witnesses, or when discussed in civil service newspaper columns. Public attention was thus drawn to the Army's, Navy's, and Coast Guard's cryptanalytical units.

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31 - Herbert O. Yardley, "Are We Giving Away Our State Secrets?", Liberty Magazine, Dec. 19, 1931.

31A- Herbert O. Yardley, The American Connection, N.Y., 1934.

A newspaper article in October 1939, announced that the F.C.C. had revived a Black Chamber to decode all messages leaving the United States.[32] A year later, the same columnist attacked the entrance of the F.C.C. into radio intelligence, pointing out that its staff had no experience or knowledge covering law enforcement or the value of military information, and, in addition, it was doing something which the Army, Navy and Department of Justice were perfectly equipped to perform.[33] A very detailed article, describing the war activities of the F.C.C. system, appeared in October 1941. Eleven counter-espionage radio stations and more than eighty secondary mobile units were mentioned, and new antennae for use in fixing the position of transmitters and plastic discs for recording messages were described.[34]

All the foregoing examples of security violations occurred during peace. Some were minor, some were serious. The most damaging disclosures were to occur after the outbreak of war on December 7, 1941.

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32 - Frank C. Waldrop, Washington Times-Herald, Oct. 1939.
33 - Ibid., Oct. 7, 1940.
34 - Los Angeles Times, Oct. 13, 1941.

C. American-Japanese War

1. Pearl Harbor Aftermath

On the day after the attack on Pearl Harbor, a Washington newspaper, quoting reliable informants to the effect that the War Department had succeeded in reading the Japanese code, indicated that Tokyo had probably suspected the decipherment of its codes and had neglected to inform the Japanese Embassy in Washington of its plans to attack Pearl Harbor so as not to warn Washington.[35] Two days later the same newspaper, speculating again as to whether or not Japanese diplomats in Washington knew in advance of the attack on Pearl Harbor, announced that the United States had solved the Japanese code in 1932, but that undoubtedly the Japanese knew this, and in turn the U. S. had learned that they knew it.[36]

Time Magazine, early in 1942, reprinted a story concerning the F. C. C. which had originally appeared in the St. Louis Post Dispatch. According to this report, the F. B. I. had been stopped from seizing an illegal transmitter in the German Embassy because

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35 - Daily News, Washington, D.C., December 8, 1941.
36 - Daily News, Washington, D.C., December 31, 1941.

the State Department did not want to jeopardize the success of negotiations for the safe exchange of diplomatic personnel in Germany. The F. C. C. announced later that every message sent out from the German Embassy had been decoded, and, furthermore, the transmitter had been jammed at the beginning of every broadcast.[37]

A newspaper article in February 1942 attacked the F. B. I.'s statement that peacetime restrictions had prevented the copying of all messages transmitted between Honolulu and Tokyo over commercial radio circuits for several weeks prior to December 7, 1941. It declared that the communication service of the Navy and the signal service of the Army had kept commercial circuits between Tokyo and Honolulu under constant surveillance and had given copies of all messages to the F. B. I. Senator Harry S. Truman, of Missouri, Chairman of the Senate Interstate Commerce sub-committee on wire tapping legislation, informed the Senate that, notwithstanding the report of the Roberts Commission, the record would show

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37 - Time Magazine, N. Y., January 5, 1942.

that "wire tapping and interception of messages were fully practiced prior to the attack on Pearl Harbor."[38]

Another publicity leak occurred when Leon Pearson on a Mutual Broadcasting System program in February 1942 announced that one of the intelligence services of the Government had deciphered certain messages from the French West Indies - Martinique and Guadaloupe - which indicated that German submarines had been refueled from the small ports of the Atlantic coast of Guadaloupe.[39]

As a result of all the newspaper publicity at the outbreak of the war which had been given to the crypt-analytical agencies of the U.S., many colleges began to inquire of the Navy about the inauguration of courses in cryptanalysis to prepare their students for war duties. All of the voluntary offers were declined politely, because of the publicity which would accompany such courses.

2. Battle of Midway Exposé

The most important publicity leak of the present war concerning communication intelligence

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38 - Chester Manley, Tim s Herald, ashington, D.C., February 7, 1942.

39 - War Department Radio Digest, February 16, 1942, No. 410.

occurred in early June 1942, after the Battle of Midway, when an article appearing in three newspapers of very wide circulation disclosed that the U. S. Navy knew in advance of Japanese plans for an attack on Dutch Harbor in the Aleutians and against Midway Island.[40]

Indicating that the Japanese had used a striking force, a support force, and an occupation force, the article gave specific details of the makeup of each enemy force. It was evident that the reporter had somehow acquired much of the information which U. S. Naval Communications Intelligence had disseminated to a very few important commanders, and it was obvious to the experienced observer that such complete details of the enemy's plans could have come only from deciphered Japanese messages.

Furthermore, a radio broadcast of Walter Winchell on July 5, 1942, stated that advance knowledge of the enemy's plans had saved U. S. forces from defeat on two occasions. Another item from his newspaper column of July 7, 1942, announced that

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40 - N. Y. Daily News, Chicago Tribune, Washington Times Herald, June 7, 1942.

Colonel McCormick's paper in Chicago had divulged the reason for American success at Midway — the decoding by the U. S. Navy of Japanese secret messages.[41]

Meanwhile, an effort was made to indict those responsible for the original disclosure concerning Midway. On August 8, 1942, newspapers throughout the country reported that the case was to be investigated by a Federal Grand Jury in Chicago, as a result of a preliminary inquiry made by the Justice Department at the recommendation of the U.S. Navy. William D. Mitchell of New York, former Attorney General under President Hoover, was to direct the investigation of the Grand Jury into any possible violation of a criminal statute or of the Act of June 15, 1917, as amended by the Act of March 28, 1940, concerning the unlawful communication of documents or communications relating to national defense.[42] However, damaging publicity was the only result of the action since the Grand Jury failed to indict Colonel McCormick, Managing Editor James Loy Moloney, or Stanley Johnston, the reporter.[43]

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41 - N. Y. Daily Mirror, July 7, 1942.
42 - N. Y. Times, August 8, 1942.
43 - Newsweek Magazine, August 31, 1942.